



# Waiving Intellectual Property Protection for Covid-19 Vaccines

## Why in News

The **United States** has announced the **support for waiving [Intellectual Property \(IP\)](#) protection for [Covid-19 vaccines](#).**

- The decision is a breakthrough in India and South Africa's attempts to get **[World Trade Organisation \(WTO\)](#)** member countries to agree to such a waiver to fight the pandemic equitably.

## Key Points

### ▪ About:

- The **1995 agreement on [Trade-Related Aspects of Intellectual Property Rights \(TRIPS\)](#)** requires ratifying countries to adopt a minimum standard of intellectual property rights to protect creators and promote innovation.
- **India and South Africa have proposed a waiver from the implementation and application of certain provisions of the TRIPS Agreement** (waiving IP rights like patents, copyright, and trademarks) **for prevention, containment or treatment of Covid-19.**
- **If the waiver is granted**, WTO member countries will not be under an obligation, for a temporary period, to either grant or enforce patents and other IP-related rights to Covid-19 drugs, vaccines, and other treatments.
  - This will immunise the measures adopted by countries to vaccinate their populations from claims of illegality under WTO law.

### ▪ Need to Waive Patents on Covid Vaccines:

- **Monopoly of Drug Companies:** At present, only drug companies which own patents are authorised to manufacture Covid vaccines.
  - A lifting of patents will allow the formula to be shared with other companies.
- **Vaccine Cost:** Once the formula is shared, any company which possesses the required technology and infrastructure can produce vaccines.
  - This will lead to **cheaper and more generic versions** of Covid vaccines and will be **a big step in overcoming vaccine shortage.**
- **Inequitable Distribution of Vaccines:** This has opened up a glaring gap between developing and wealthier countries now.
  - The countries having surplus doses of vaccines have already vaccinated a considerable percentage of their population and are returning to normalcy.
  - Whereas, the poorer nations continue to face shortages, have overburdened healthcare systems and hundreds dying daily.

- **Against the Interests of the World:** The longer Covid circulates in developing nations, there is a greater chance of more vaccine-resistant, deadly mutations of the virus emerging.

- **Significance for India:**

- **Help in Increasing Production:** The bulk of the vaccine doses produced in India are taken up by foreign countries which **could pay more for the doses.**
  - This move can help **scale up production to meet demand** besides making the vaccines **more affordable for everyone.**
- **Preparation for the Third Wave:** Indian authorities have stated that the third wave of the pandemic is inevitable.
  - Once the number of cases and deaths plateau, addressing shortages and making more affordable vaccines readily accessible could be the best way to prepare for the surge once again.

- **Counter Arguments:**

- **Vaccine Quality and Safety may get Compromised:** Lifting of patents would be a compromise on control of safety and quality standards for vaccine manufacturing.
- **Disincentive Pharmaceutical Companies:** Lifting of patents would be a huge deterrent to investing heavily on vaccine development during pandemics in the future.
- **Can Lead to Confusion:** Eliminating those protections would undermine the global response to the pandemic, including ongoing effort to tackle new variants.
  - It will create confusion that could potentially undermine public confidence in vaccine safety, and create a barrier to information sharing.

## Way Forward

- Waiving IP protections alone isn't enough to make vaccines available around the world. The countries must work with each other to expand manufacturing capabilities and support international vaccines.
- It's important for both Indian manufacturers and the government to address concerns of patent holders to make sure that India's vaccination drive is not compromised in any way.

**Source: IE**

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